

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
2008 JUL 18 AM 10:00
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Jessica ROSAS,)

Defendant.)

BY  DEPUTY

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-

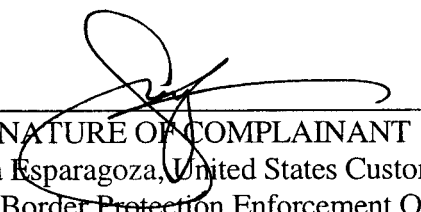
Bringing in Illegal Alien(s)
Without Presentation

08 MJ2197

The undersigned complainant being duly sworn states:

On or about **July 17, 2008**, within the Southern District of California, defendant **Jessica ROSAS**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Blanca Estela HERNANDEZ-Torres**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF
July, 2008.


UNITED STATES MAGISTRATE JUDGE
CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Blanca Estela HERNANDEZ-Torres**, is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 17, 2008, at approximately 1840 hours, **Jessica ROSAS (Defendant)** applied for admission into the United States at the Otay Mesa Port of Entry as the driver and sole visible occupant of a 1991 Toyota Previa. During primary inspection before a Customs and Border Protection (CBP) Officer Defendant stated she was going to Chula Vista, had nothing to declare, and that the vehicle belonged to her friend. The CBP Officer received an automated computer generated referral and escorted the vehicle and Defendant to secondary for further inspection.

In secondary, CBP Officers discovered a non-factory compartment located underneath the rear of the vehicle. One adult female was discovered concealed in the non-factory compartment. The concealed adult female was unable to extract herself from the vehicle. Several CBP officers removed two bolts that were loosely attached to the rear seats and were able to remove the right seat. The other passenger seat was unable to be removed therefore the CBP officers flipped the seat forward. With one seat removed the CBP officers were able to lift the carpet and noticed a metal access panel. The metal access panel was lifted and the adult female was revealed concealed inside. The adult female was determined to be a citizen of Mexico without entitlements to enter, pass through or reside in the United States and is now identified as **Blanca Estela HERNANDEZ-Torres (Material Witness)**.

During a videotaped proceeding, Defendant was advised of her Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge of the concealed individual. Defendant stated she agreed to smuggle a person into the United States in exchange for \$900-\$1,000.00 USD. Defendant stated that she was to deliver the vehicle to her home in California where someone would meet her and take custody of the vehicle and concealed person.

On a separate videotaped interview, Material Witness admitted she is a citizen of Mexico without legal rights to enter the United States. Material Witness stated she was going to pay an unknown amount to be smuggled into the United States. Material Witness stated she was en route to the state of Tennessee to be with family.